

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the matter of:)	
)	
2002 Biennial Regulatory Review - Review of the)	MB Docket 02-277
Commission's Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket 01-235
Newspapers.)	
)	
Rules and Policies Concerning Multiple)	MM Docket 01-317
Ownership of Radio Broadcast Stations)	
in Local Markets)	
)	
Definition of Radio Markets)	MM Docket 00-244

COMMENTS OF REC NETWORKS

REC Networks ("REC"), a not for profit group involved in the promotion of Low Power FM (LPFM) radio as well as other broadcast related issues hereby files comments in the above captioned proceedings.

REC reserves the right to file additional comments jointly with additional organizations. Comments in this pleading are those of REC only.

REC, like many other individuals and organizations are very concerned about the current state of broadcast radio and the current state of common ownership within radio markets as well as the lack of a nationwide limit of stations an entity can own.

LOW POWER FM (LPFM)

REC's primary focus on broadcast issues is the promotion and protection of the LPFM service. Unlike in the "full power" broadcast services, LPFM has several rules codified that enforce the strict ownership caps on LPFM stations. For example, §73.855 calls for an eventual national ownership limit of 10 stations as well as prevents multiple ownership of stations in the same community¹. §73.860 protects LPFM stations from cross-ownership with other media and §73.865 which prohibits voluntary transfers of LPFM stations.

¹ - §73.855(a) - No authorization for an LPFM station shall be granted to any party if the grant of that authorization will result in any such party holding an attributable interest in two LPFM stations separated by less than 12 km (7 miles).

The main purpose of the LPFM service was to create a class of radio stations designed to serve very localized communities or underrepresented groups within communities². REC feels that the preservation of the existing LPFM rules relating to ownership caps and assignment of stations are consistent with the Commission's intention to the original establishment of the LPFM service and we hope that the Commission does not make any changes to these rules.

ABUSE OF TRANSLATOR OWNERSHIP

Another abuse of the public interest is §74.1231(b), which allows a non-commercial translator to be fed through satellite. This has resulted in certain groups obtaining one or more full power non-commercial licenses and then setting up translators very far outside their city of license, some as far as 3,000 miles away from the primary station.

In the chart below, we pulled a list of every translator record out of CDBS and then showed each entity that has more than 100 translators.

		Appli- cations	Const. Permits	Licenses	Total
Total Translators	100.0%	764	605	3,599	4,968
Calvary Chapel of Twin Falls	11.5%	148	92	331	571
Educational Media Foundation	4.7%	56	32	145	233
Family Worship Center Church	4.3%	37	130	48	215
Faith Pleases God Church	2.9%	142	0	0	142
Family Stations, Inc.	2.4%	5	4	110	119
Bible Broadcasting Network	2.3%	7	1	107	115
Pensacola Christian College	2.3%	29	24	60	113
American Family Association	2.1%	1	4	100	105
Total of the Top 8 Owners	32.5%	425	287	901	1,613

As this chart shows, 1/3rd of all translators are owned by 8 different licensees. About 12% of all of the translators are owned by Calvary Chapel of Twin Falls, Inc³. These 1,600 translators and applications are precluding local LPFM stations from being established in these communities. REC feels that local stations created through the LPFM service would have more public interest benefits than a translator located over a thousand miles away.

REC is requesting that the Commission give the public relief of this violation of our trust.

REC is asking that the Commission reexamine a request that we made during the original Low Power FM proceedings by placing "distant translators" in a sub-secondary status by allowing

2 - MM Docket 99-25, Report and Order, FCC 00-19 at 4.

3 - A majority of these translators rebroadcast KAWZ(FM), Twin Falls, ID while less than 100 of them rebroadcast KEFX(FM), Twin Falls, ID. On a side note, REC questions why any organization should be allowed to hold more than one full power FM license in the same city. For example, American Family Association has WAFR (88.3), WAQB (90.9) and WAJS (91.7) as well as a translator (W205BS on 88.9) in Tupelo, MS. Why does AFA need all three stations? With third adjacent protections, this precludes the use of 14 of the 20 reserved channels in Tupelo. REC feels the Commission should also look at ownership rules for non-commercial stations that requires no non-commercial station to overlap another one.

LPFM stations to be allowed to displace a distant translator if the channel is needed by a local organization.

REC defines a "distant translator" as a non-commercial translator who's primary station is more than 400km away from the translator. A translator located in the same state as the primary station is not considered a distant translator regardless of the distance.

REC is also asking the Commission to amend Part 74 to prohibit the addition of any new distant translator if no other channels are available in the area for the establishment of LPFM stations.

REC is also asking the Commission to amend §74.1231 to require that FM Translators that are fed by means other than terrestrial delivery from the primary station or another translator be owned and operated by the same entity regardless of which channel the translator is on. Currently, this restriction only applies to translators operating in the reserved band⁴.

NON-COMMERCIAL STATION OWNERSHIP LIMITS

REC questions why an organization such as the American Family Association can have over 100 licensed stations (and many more being applied for) across the United States? These are not translators but full power FM stations (that act as 6kW translators). Many of these stations are operating on waivers of the main studio rule and therefore are not serving the best interests of the communities of license.

Not only does this preclude new LPFM stations but also precludes local educational organizations from being able to license NCE-FM stations because of these out of town stations being licensed as primary.

REC Networks is demanding immediate ownership caps on non-commercial stations. Non-commercial entities should be limited to 40 stations. Of those 40 stations, 30 of them (75%) must be in the same state. This will permit large statewide networks such as Minnesota Public Radio to operate their statewide networks consistent with the public interest.

Entities that over this limit should be ordered to reduce 25% of the stations over the limit within the first year, and then 25% of these stations over a four year period until they are in compliance.

The following organizations have more than 40 licensed stations:

Organization	Most in one state	Total Stations
American Family Association	15	105
Educational Media Foundation	17	49

4 - One organization, Centro Cristiano De Fe, Inc. has recently transferred several translators from both Living Way Ministries and Paulino Bernal Ministries. In a couple of cases, Centro tried to transfer the stations using a minor change application as well as trying to change the primary station to a commercial station. Many of these translators still retransmit KCZO, Carizo Springs, TX (owned by Paulino Bernal Ministries) and all of these translators are in the reserved band. Therefore these translators are not legal. This abuse of the FM service must stop now. By the way, Centro Cristiano de Fe also filed two LPFM applications (before they acquired the translators).

We do warn that some additional organizations, such as Broadcasting For The Challenged, CSN International, Family Stations and Pensacola Christian College have a significant number of pending applications which put them at risk of eventually having more than 40 licensed stations.

REC just simply can not see the justification of these organizations being able to take every nook and cranny of the reserved band while precluding **LOCAL** organizations from being able to apply in the future. The reserved band should be just that, reserved.

IN CONCLUSION

REC feels that ownership limits are more than just an issue for commercial stations but are also an issue for non-commercial stations. We need to assure that existing ownership and transfer rules for LPFM remain unchanged while rules regarding non-commercial stations and translators need to be amended to assure that non-commercial educational stations are available to LOCAL organizations. This includes new organizations that are established in the future.

Respectfully Submitted,

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